

**CHAPTER 33-07-04.2**  
**GENERAL STANDARDS OF CONSTRUCTION AND**  
**EQUIPMENT FOR NURSING FACILITIES**

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**33-07-04.2-01. Definitions.**

The definitions located in section 33-07-03.2-01 apply to this chapter.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

**33-07-04.2-02. Conflict with federal requirements.**

The provisions located in section 33-07-03.2-02 apply to this chapter.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

**33-07-04.2-03. Waiver provision.**

The waiver provision located in section 33-07-03.2-04 applies to this chapter.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

**33-07-04.2-04. Access and surveillance by the department.**

The provisions located in section 33-07-03.2-05 apply to this chapter.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

### **33-07-04.2-05. Plans of correction.**

The provisions located in section 33-07-03.2-06 apply to this chapter.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

### **33-07-04.2-06. Site.**

For new construction, the site of the facility must be away from nuisances detrimental to the proposed services, such as commercial or industrial developments, or other types of facilities that produce noise or air pollution. A site plan must be submitted to the department.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

### **33-07-04.2-07. Emanating services.**

1. Sufficient information on the design of other types of facilities physically attached to the nursing facility must be submitted to the department so as to determine that safety from fire and the adequacy of the spaces and services of the facility are not compromised.
2. Occupants of other types of facilities may use service spaces such as dining and activities in the facility only when the size of such spaces exceed the standards of this chapter.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-01-03, 23-16-06

### **33-07-04.2-08. Plans and specifications.**

1. A facility shall contact the department prior to any substantial changes in or alterations to any portion of the structure to determine to what extent it is subject to review. A substantial change includes alterations affecting the fire safety or structural integrity of the building, changes in service areas or services provided within a service area, changes in bed capacity, or any other change governed by the standards of this chapter. The department may request plans, specifications, or other information as may be required and shall make the final determination on those areas subject to review.
2. A facility shall submit plans and specifications to the department for all construction, remodeling, and installations subject to review. The plans and specifications must be prepared by an architect or engineer licensed in North Dakota, unless otherwise determined by the department.
3. Start of construction prior to approval by the department of the final plans and specifications is not permitted.
4. All construction, remodeling, and installations must be in accordance with the final plans and specifications approved by the department. Modifications or deviations from the approved plans and specifications must be submitted to and approved by the department.
5. The department may make inspections of construction, remodeling, or installations and arrange conferences with the facility to ensure conformance with approved plans and specifications.

6. The construction specifications must require the contractor to perform tests to ensure all systems conform to the approved plans and specifications.
7. Routine maintenance does not require the submission of plans and specifications. For the purpose of this subsection, "routine maintenance" means repair or replacement of existing equipment, room finishes and furnishings, and similar activities.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

### **33-07-04.2-09. Codes and standards.**

1. A nursing facility must be designed, constructed, equipped, maintained, and operated in compliance with:
  - a. This chapter;
  - b. The Guidelines for Residential Health, Care, and Support Facilities, 2014 edition, compiled by the facility guidelines institute;
  - c. The national fire protection association 101 Life Safety Code, 2012 edition;
  - d. North Dakota Century Code section 54-21.3-04.1, relating to accessibility for disabled persons;
  - e. The requirements for food and beverage establishments issued by the department;
  - f. North Dakota Administrative Code article 62-03.1 relating to plumbing standards;
  - g. North Dakota Administrative Code article 24-02 relating to electrical wiring standards;
  - h. North Dakota Administrative Code article 45-12 relating to boiler rules and regulations;
  - i. North Dakota Administrative Code article 33-15 governing air pollution control, relating to incinerators; and
  - j. North Dakota Administrative Code article 33-10 relating to radiological health.
2. A nursing facility must comply with all applicable building codes, ordinances, and rules of city, county, or state jurisdictions.
3. These standards are established to bring about a desired performance result. If specific limits are prescribed, equivalent solutions may be acceptable if approved in writing by the department as meeting the intent of these standards.

**History:** Effective July 1, 1996; amended effective July 1, 2015.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

### **33-07-04.2-10. Nursing unit.**

1. A resident room must have adequate space to house necessary furniture and equipment, to provide for resident care, to provide for movement of beds, and for the transfer of residents to and from beds.
2. The smallest dimension of a rectangular single resident room may not be less than ten feet [3.05 meters] free of fixed obstructions and the floor area may not be less than one hundred twenty square feet [11.15 square meters].

3. The smallest dimension of a rectangular multiple resident room may not be less than eleven feet six inches [3.51 meters] free of fixed obstructions, except in specially arranged rectangular rooms such as toe-to-toe arrangements where the minimum clear width may not be less than ten feet [3.05 meters] free of fixed obstructions.
4. In other than a rectangular-shaped room, the principles of space allocation specified by the minimum dimensions and floor area requirements in a rectangular-shaped room must be adhered to.
5. Each resident room must have an outside wall with natural light provided by a window. The area of the glazing material in the window may not be less than one-tenth of the floor area of the resident room.
6. In existing construction, a multiple resident room may not permit more than two beds side by side parallel to the window wall.
7. In new construction, a multiple resident room must be designed to permit no more than two beds.
8. A janitor's closet containing a floor receptor or service sink and storage space for housekeeping supplies and equipment shall be provided for each nursing unit.
9. A visiting room shall be provided where residents may visit privately.
10. Resident toilet rooms must be functionally accessible and usable by the residents which they serve. In new construction, a resident toilet room must provide space for two staff members to assist a resident as needed.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

#### **33-07-04.2-11. Dining and activity areas.**

The dining areas and activities areas may not be the same space.

1. The total area set aside for dining must be a minimum of twenty square feet [1.86 square meters] per bed.
2. The total area set aside for activities must be a minimum of fifteen square feet [1.40 square meters] per bed. Adequate storage space must be provided for recreational equipment and supplies in addition to the space required.
3. A dayroom must be provided in each nursing unit in addition to the required activity space.
4. A functionally accessible toilet room must be provided convenient to activity and dining areas.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

#### **33-07-04.2-12. Rehabilitation therapy.**

Exercise and treatment areas of at least three hundred square feet [27.87 square meters] must be provided for physical therapy, occupational therapy, or restorative nursing services.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

**33-07-04.2-13. Dietary services.**

Dietary areas and equipment must be designed to accommodate the requirements for sanitary storage, processing, and handling consistent with the food service sanitation manual issued by the department.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 28-32-02

**Law Implemented:** NDCC 28-32-02

**33-07-04.2-14. General storage.**

1. Resident space may not be used for general facility storage.
2. Separate storage space with provisions for locking and security control must be provided for residents' personal effects.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

**33-07-04.2-15. Details.**

All details must meet the following requirements:

1. Soap in a soap dispenser must be provided at all lavatories and sinks used by personnel for handwashing.
2. In new construction, boiler rooms must not be located under any portion of the facility.
3. Ceilings must be acoustically treated in corridors in resident areas, nurses stations, and dining and activity areas.
4. Noise reduction criteria shown in the following table apply to partition, floor, and ceiling assembly construction in resident areas:

Location	Airborne Sound Transmission Class (STC)*		Impact Insulation Class (IIC)**
	Partitions	Floors	Floors
Resident room to resident room	45	45	51
Public space to resident room ***	50	50	51+
Service areas to resident room ++	55	55	55+

Footnotes:

\* Sound transmission class (STC) must be determined by tests in accordance with methods set forth in ASTM Standard E 90 and ASTM Standard E 413.

\*\* Impact insulation class (IIC) must be determined in accordance with criteria set forth in HUD FT/TS 24.

\*\*\* Public space includes lobbies, dining rooms, recreation rooms, treatment rooms, and similar spaces.

+ Impact noise limitation applicable only when corridor, public space, or service area is

over resident's room.

- ++ Service areas include kitchens, elevators, elevator machine rooms, laundries, garages, maintenance rooms, boiler and mechanical equipment rooms, and similar spaces of high noise or vibration or both. Mechanical equipment located on the same floor or above or below the residents' rooms, offices, nurses' stations, and similar occupied spaces must be effectively isolated from such spaces with respect to noise and vibration.

NOTE: The requirements set forth in this table assume installation methods which will not appreciably reduce the efficiency of the assembly as tested. Location of electrical receptacles, grilles, duct work, and other mechanical items, and blocking and sealing of partitions at floors and ceilings must not compromise the sound isolation required.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

### **33-07-04.2-16. Elevators.**

1. An appropriate number of elevators, at least one which complies with the provisions of ANSI A17.1, must be provided in all multistory buildings. All new hospital-type elevators must comply with this standard.
2. All elevators, except freight elevators, must be equipped with a two-way special service switch to permit the car to bypass all landing button calls and be dispatched directly to any floor.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

### **33-07-04.2-17. Mechanical requirements.**

1. **Asbestos insulation may not be used.** Insulation of soft-type, spray-on, etc., may not be used where it is subject to air or mechanical erosion or where loose particles may create a maintenance problem.
2. **Air-conditioning, heating, and ventilation systems.**
  - a. Air-conditioning is optional.
  - b. A temperature range of seventy-one to eighty-one degrees Fahrenheit [39.4 to 45.0 degrees Celsius] must be maintained for all occupied areas.
  - c. All air supply and air exhaust systems must be mechanically operated. Gravity exhaust may be used in nonresident areas and in areas not normally occupied by staff.
  - d. A ceiling exhaust fan may be used to ventilate a single isolated toilet room when a central exhaust system is not readily available.
  - e. Boiler rooms must be provided with sufficient air to maintain equipment combustion rates and to limit room temperatures.
  - f. Unit ventilators may be used to ventilate individual rooms in existing facilities, and in additions to existing facilities not to exceed six beds. Such ventilators may only be used when a central ventilation system is inaccessible.

- g. Filters for a central ventilation system must be located upstream of air-conditioning equipment. If a prefilter is employed, the prefilter must be upstream of the equipment and the final filter may be located downstream.
- h. A manometer must be installed across each filter serving a central ventilation system.
- i. An exhaust hood in a dietary area must have an exhaust rate of not less than fifty cubic feet [1.41 cubic meters] per minute per square foot of face area. Face area is defined as the open area from the exposed perimeter of the hood to the average perimeter of the cooking surfaces.

**3. Plumbing and other piping systems.**

- a. Systems must be designed to supply water to the fixtures and equipment located on upper floors at a minimum pressure of fifteen pounds per square inch [6.80 kilograms per 6.45 square centimeters] during maximum demand periods.
- b. All handwashing facilities in resident care areas shall have the water supply spout mounted so its discharge point is a minimum distance of five inches [12.7 centimeters] above the rim of fixtures.
- c. Flush valves installed on plumbing fixtures must be a quiet operating type, equipped with silencers.
- d. Bedpan flushing devices must be provided in not less than half of the resident toilet rooms and in the soiled workroom. In new construction, rough-in plumbing for bedpan flushing devices in the remaining resident toilet rooms is required.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02

**33-07-04.2-18. Electrical requirements.**

- 1. All materials must be listed as complying with applicable standards of underwriters' laboratories incorporated, or other similarly established standards.
- 2. Circuit breakers or fusible switches that provide disconnecting means and overcurrent protection for conductors connected to switchboard and distribution panels must be enclosed or guarded to provide a dead-front type of assembly. The main switchboard must be located in a separate enclosure accessible only to authorized persons. The switchboard must be convenient for use, readily accessible for maintenance, clear of traffic lanes, and in a dry ventilated space devoid of corrosive fumes or gases. Overload protective devices must be suitable for operating properly in the ambient temperature conditions.
- 3. Lighting and appliance panels must be provided for the circuits on each floor. This requirement does not apply to emergency system circuits.
- 4. Two duplex receptacles are required between adjacent beds.
- 5. A nurse calling station must be installed at each resident bed, toilet, bath, and shower. The nurse calling station at the toilet, bath, or shower must be an emergency call.
  - a. All calls must register both visibly and audibly at the nurses' station and must actuate a visible signal in the corridor at the resident's door, in the clean workroom, and soiled workroom.

- b. If installed, a nurse calling system providing two-way voice communication must be equipped with an indicating light at each calling station that lights and remains lighted as long as the voice circuit is operative.
6. Emergency electric service must be provided to circuits as follows:
- a. Lighting at the switch-gear location and boiler room.
  - b. Nurse calling system.
  - c. Refrigerators for dietary and medication needs.
  - d. Fire pump, if installed.
  - e. All required duplex receptacles in resident corridors.
  - f. Equipment, such as burners and pumps necessary for operation of one or more boilers and their necessary auxiliaries and controls, required for heating and sterilization.
  - g. Equipment necessary for maintaining electrical service.
  - h. A minimum of one duplex receptacle convenient to the bed location for each resident requiring the use of life support systems.

**History:** Effective July 1, 1996.

**General Authority:** NDCC 23-01-03, 28-32-02

**Law Implemented:** NDCC 23-16-01, 28-32-02